

Remarks

Claims 9 and 11-25 are pending.

Claims 9 and 11-25 stand rejected as being indefinite. In particular, the rejection provides that the term “complexes” is vague because its metes and bound are unclear. The phrase “said metallic compounds of compositions (a) and (b) being advantageously in the form of salts or complexes” is deleted. Therefore, the Applicant respectfully submits that this rejection is now moot and requests reconsideration and withdrawal of this rejection.

Claims 9 and 11-25 stand rejected as obvious over Winston in view of Gupta. According to the rejection, Winston discloses a composition of a hard shell capsule containing Vitamin C and Green Tea Extract and a soft gel capsule containing mixed tocopherols that can be replaced with zinc. The rejection likens the hard shell capsule to the claimed “composition (a)” and the soft gel capsule to the claimed “composition (b).” The rejection finds that Winston discloses that the composition can be administered separately or consecutively. The rejection finds that Winston does not disclose or suggest iron and copper as ingredients in compositions (a) or (b). Nevertheless, it finds that Gupta discloses iron, copper and zinc for the proper functioning of deactivators of oxygen molecules that cause aging and that one skilled in the art would include these elements in Winston’s formula to provide the anti-ageing benefits.

The Applicants respectfully submit that it would not have been obvious to one skilled in the art to combine Winston and Gupta’s formulas. Assuming *arguendo* that Gupta discloses iron, copper and zinc for the proper functioning of deactivators of oxygen molecules, Gupta’s formula is for **topical** use whereas Winston’s formula and that of the Applicant’s claims are orally administered. Further, Gupta does not disclose or suggest an orally administered formula. One skilled in the art would not look to a topical formula to modify an orally administered

formula because compositions within the topical solution do not necessarily function in an orally administered formula as they do in a topical formula. In other words, simply because the alleged iron, copper and zinc operate as they allegedly do in Gupta's topical formula does not mean that it would be obvious that they will operate as such in an orally-administered formula containing the components of Winston's formula.

Further, as provided in more detail below, Winston discloses administering both compounds simultaneously. Vitamin C should not be administered simultaneously with iron and copper because their oxidant and antioxidant effects may cancel each other. (See page 4, lines 11-20 of the originally-filed specification.) Thus, one skilled in the art would not seek to combine the alleged iron and copper of Gupta with the Vitamin C of Winston's compound that is taken simultaneously. (See Winston, page 4, lines 29-32, page 5, lines 1-12, and page 11, lines 20-31.) As explained below, Claim 9 has been amended to recite that compositions (a) and (b) are taken separately and consecutively. For the foregoing reasons, the Applicant respectfully submits that one skilled in the art would not have combined Winston and Gupta's formulas to meet the elements of the claims.

Even assuming *arguendo* that one skilled in the art would have sought to combine Winston and Gupta, the combination does not meet every element of Claim 9. Claim 9 recites that composition (a) contains zinc, chromium and a mixture thereof. (Claim 26 recites similar a similar element.) The rejection finds that the soft gel composition of Winston (i.e., the alleged *composition (b)*), contains zinc. However, the rejection does not find that the hard shell capsule of Winston (i.e., the alleged *composition (a)*), contains zinc or chromium, as recited. This is because Winston does not disclose or suggest that its hard shell capsule contains these elements.

Therefore, even combining the formulas of Winston and Gupta does not meet every element of Claim 9.

In addition, Claim 9 recites, “on the condition that zinc and iron are not simultaneously present in the same composition.” As provided above, Winston discloses zinc in the lipid soluble capsule. If one skilled in the art included iron in Winston’s formula, he or she would include it in the lipid soluble capsule with zinc. Thus, the combination would not meet the above element of Claim 9, which requires that zinc and iron are not simultaneously present in the same composition.

Nevertheless, Claim 9 has been amended to recite that compositions (a) and (b) are separately *and* consecutively administered to the human body. Winston does not disclose or suggest that its two compositions are separately and consecutively administered to the human body. Rather, Winston discloses that the two compositions are always administered together in the form of a single dose or several doses per day. (See page 4, lines 29-32, page 5, lines 1-12, and page 11, lines 20-31.)

In light of the foregoing, the Applicant respectfully submits that the entire Application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,



T. Daniel Christenbury
Reg. No. 31,750
Attorney for Applicant

TDC/vp
(215) 656-3381